



00105860201500059000040046

I, Dana W. Jenkins, County Clerk, do hereby certify
that the within instrument was recorded in the Lincoln
County Book of Records on the above date and time.
WITNESS my hand and seal of said office affixed.


Dana W. Jenkins, Lincoln County Clerk



After recording return to:
City of Newport
169 SW Coast Highway
Newport, OR 97365

CITY OF NEWPORT, OREGON PUBLIC UTILITY EASEMENT

Wilder Homeowners' Association, Inc. an Oregon nonprofit corporation, hereinafter referred to as "Grantor", has the authority pursuant to ORS 94.665(4)(b)(B) to give and grant a public utility easement over Tract C and Tract F of Wilder Phase 1. Grantor does hereby give and grant unto the City of Newport, an Oregon Municipal Corporation of Lincoln County, Oregon, hereinafter referred to as "Grantee" or "City," a non-exclusive, perpetual easement for the right to lay, construct, and maintain any street light wiring, the street light, and all appurtenances related to the street light, hereinafter referred to as "Public Utility", to be constructed and located on, across, under or over the surface of the following described real property:

(See Exhibit A – Street Light and Wiring Easement)

This is intended to exclude all other below-surface installations, except as may be specifically approved by the City.

City and its contractors, subcontractors, agents or employees shall have the right to enter and occupy the easement for the purpose of constructing the Public Utility, to permanently operate and maintain the Public Utility, to inspect, repair, replace, remove or renovate the Public Utility.

Grantor shall be responsible for landscape and surface maintenance within the easement. In carrying out this responsibility, Grantor agrees not to plant any tree, shrub or plant within the Public Utility easement, nor build any structure or place any fence in the easement without first obtaining written permission from City. Balm, poplar, locust, cottonwood or willow trees should not be planted near the Public Utility easement. It is understood that City may remove any physical obstructions including buildings, fences, trees, or shrubbery, and abate any use of the easement if City finds that the physical obstruction or use will interfere with the Public Utility or City's easement rights granted above, without recompense to the Grantor.

Grantor and City intend that this easement bind Grantor, his or her heirs, successors and assigns. This easement will not be considered abandoned until City has declared the easement abandoned and no longer in use by City, and releases this easement in a duly executed and recorded Release of Easement.

In addition to all other remedies allowed by law, Grantee, its successors and assigns, shall have the right to seek injunctive relief for the enforcement of the terms and conditions of this easement against Grantor. If Grantee is required to bring suit or action to enforce the terms of this easement, Grantee shall be entitled to recover from Grantor such sums that the court may adjudge reasonable as attorney fees and costs in such suit or action, or upon appeal.

The true and actual consideration for this easement is other than monetary.

DATED this 15 day of June, 2015.

WILDER HOMEOWNERS'
ASSOCIATION, INC.

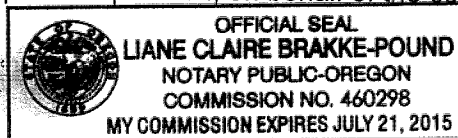
By: [Signature]
Bonnie Serkin, President

By: [Signature]
William Emery, Secretary

STATE OF OREGON)

County of ~~Lincoln~~) ss
Multnomah

Personally appeared before me this 15 day of June, 2015, the above named Bonnie Serkin who executed this instrument as President of Wilder Homeowners' Association, Inc., an Oregon nonprofit corporation, on behalf of the corporation.

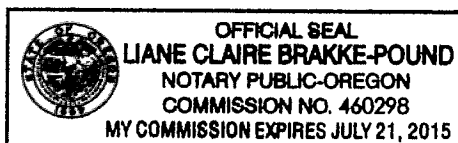


[Signature]
Notary Public for Oregon

STATE OF OREGON)

County of ~~Lincoln~~) ss
Multnomah

Personally appeared before me this 15 day of June, 2015, the above named William Emery who executed this instrument as Secretary of Wilder Homeowners' Association, Inc., an Oregon nonprofit corporation, on behalf of the corporation.



[Signature]
Notary Public for Oregon

ACCEPTANCE OF EASEMENT

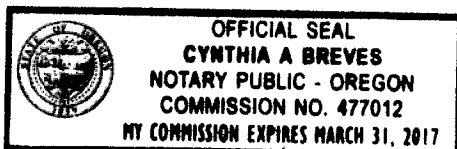
The City of Newport, Oregon, does hereby accept the above-described Public Utility Easement this 17 day of June, 2015.

[Signature]
Spencer R. Nebel, City Manager

STATE OF OREGON)

County of Lincoln) ss:
)

This instrument was acknowledged before me on the 17 day of June, 2015 by Spencer R. Nebel as City Manager of the City of Newport.



[Signature]
Notary Public for Oregon

COMMISSION EXPIRES MARCH 31, 2011
COMMISSION NO. 47012
NOTARY PUBLIC - OREGON
CYNTHIA A GREVER
OREGON SEAL



AKS ENGINEERING & FORESTRY VANCOUVER
9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
P: (360) 882-0419 F: (360) 882-042

OFFICES IN: SHERWOOD, OR - VANCOUVER, WA - SALEM, OR

LEGAL DESCRIPTION

For
Wilder Phase I

STREET LIGHT AND WIRING EASEMENT

Being a portion of Tract C and Tract F of Wilder Phase I recorded in Book 18 of Plats, Page 46A, Lincoln County Records, located in the Northeast one-quarter of Section 20, Township 11 South, Range 11 West, City of Newport, Lincoln County, Oregon described as follows;

BEGINNING at a 5/8" Iron Rod with Yellow Plastic Cap inscribed Hagedorn, marking the Northeasterly corner of Tract C of Wilder Phase I recorded in Book 18 of Plats, Page 46A, Lincoln County Record's, said point also being on the Westerly Right-of-Way line of Ellis Street;

THENCE South 57° 21' 21" West, along the Northerly line of Tract C, for a distance of 20.00 feet;

THENCE South 32° 38' 39" East, leaving said Northerly line being parallel with the Westerly Right-of-Way line of Ellis Street for a distance of 22.00 feet;

THENCE North 57° 21' 21" East, for a distance of 15.00 feet;

THENCE South 32° 38' 39" East, for a distance of 3.00 feet;

THENCE North 57° 21' 21" East, for a distance of 5.00 feet, to the Westerly Right-of-Way line of Ellis Street (Easterly line of Tract F);

THENCE North 32° 38' 39" West, along said Westerly Right-of-Way line, for a distance of 25.00 feet to the **POINT OF BEGINNING**.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Carl A. Beseda

OREGON
JULY 25, 1995
CARL A. BESEDA
02712LS 4/2/15

FIRE HYDRANT & STREET LIGHT
EASEMENT EXHIBIT/MAP 1"=5'

